

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RON ROSS;

Plaintiff,

vs.

JOHN BARTLE; ROBERT L. RYNARD,  
SR.; DANA WADMAN-HUTH; REBECCA  
BARTLE; DANE STARBUCK; RYNARD  
ENTERPRISES, INC., a/k/a RYNARD  
ENTERPRISES, LLC; BVM  
MANAGEMENT, INC., a/k/a BETHANY  
VILLAGE MANAGEMENT; BETHANY  
VILLAGE APARTMENTS, INC.;  
BETHANY VILLAGE APARTMENTS –  
NEW CASTLE, INCL; AMERICARE  
COMMUNITIES III, LLC; and BVM  
LAKESHORE, LLC,

Defendants.

**8:17CV119**

**ORDER**

This matter is before the Court on the Motion to Withdraw ([Filing No. 9](#)) filed by Howard T. Duncan, attorney of record for the following Defendants: John Bartle; Rebecca Bartle; BVM Lakeshore, LLC; BVM Management LLC; Bethany Village Apartments, Inc.; Bethany Village Apartments – New Castle, Inc.; Americare Communities, III, LLC; Robert Rynard, Sr. and Rynard Enterprises, Inc. (collectively referred to herein as “Defendants”). Mr. Duncan’s motion indicates that he and his clients are no longer able to communicate, cooperate, proceed with the previously agreed-to mediation, or otherwise work together in this matter. Mr. Duncan states he has provided a copy of his motion to his clients prior to filing it with the Court. Under the circumstances, the Court finds the Motion to Withdraw should be granted.

**IT IS ORDERED:**

1. The Motion to Withdraw ([Filing No. 9](#)) is granted.

2. Mr. Duncan shall promptly mail a copy of this Order to Defendants, and file a certificate of service stating the date and manner of service, and the names and addresses served. Mr. Duncan will not be relieved of applicable duties to the Court, Defendants, and opposing counsel until proof of service is filed. Upon Mr. Duncan's submission of proof of service, the Clerk of Court shall terminate his appearance as counsel of record for Defendants.

3. Upon the filing of proof of service pursuant to Paragraph 2 of this Order, the individually-named defendants, John Bartle, Robert Rynard, Sr., and Rebecca Bartle, will be deemed to be proceeding *pro se*, that is, without the assistance of counsel, unless substitute counsel has entered a written appearance on their behalf. If substitute counsel has not entered a written appearance, the individual defendants shall each file a written notice with the Clerk of the Court of their current address and telephone number within five (5) business days of being served with this Order. The individual defendants are hereby advised that they may obtain counsel at any time. However, until such time as substitute counsel enters a written appearance, they must comply with all orders of this Court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply could result in the imposition of sanctions, including, but not limited to, costs and the entry of default.

4. The corporate defendants, Rynard Enterprises, Inc., BVM Management, Inc., Bethany Village Apartments, Inc., Bethany Village Apartments - New Castle, Inc., Americare Communities III, LLC, and BVM Lakeshore, LLC, cannot litigate in this forum without representation by licensed counsel. See [\*Rowland v. California Men's Colony, Unit II Men's Advisory Council\*, 506 U.S. 194, 202 \(1993\)](#) (“[A] corporation may appear in the federal courts only through licensed counsel.”). The Court will grant the above-named corporate defendants until **June 16, 2017**, to obtain the services of counsel and have that attorney file an appearance on their behalf. Failure to obtain substitute counsel may result in the entry of a default judgment against them without further notice. See [\*Ackra Direct Mktg. Corp. v. Fingerhut Corp.\*, 86 F.3d 852, 857 \(8th Cir. 1996\)](#) (stating that a corporation was

technically in default as of the date its counsel was permitted to withdraw from the case without substitute counsel appearing).

5. The planning conference scheduled in this matter for May 23, 2017 is hereby continued to **July 19, 2017, at 10:00 a.m.** Plaintiff's counsel shall initiate the call to the Court.

Dated this 16<sup>th</sup> day of May, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge